

**PNC BANK,
NATIONAL ASSOCIATION**

Plaintiff,

V.

**BROTHERS ENTERPRISES, L.L.C.
and RASHID S. ALI,**

Defendants.

Case No. 4:18-CV-01210-NCC

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff PNC Bank, National Association’s (“Plaintiff’s”) Unopposed Motion for Leave to File First Amended Complaint (Doc. 13).

Plaintiff concurrently filed a Memorandum in Support of its Motion (Doc. 14).

Plaintiff filed its original Complaint on July 23, 2018 (Doc. 1). On September 5, 2018, Defendants Brothers Enterprises, L.L.C. and Rashid Ali (“Defendants”) filed a Joint Motion to Dismiss Complaint for Lack of Subject-Matter Jurisdiction under Fed. R. Civ. P. 12(b)(1) (Doc. 11). Plaintiff, in response, filed its Unopposed Motion for Leave to File First Amended Complaint, attaching a First Amended Complaint and exhibits (Doc. 13), and Memorandum in Support (Doc. 14) on September 12, 2018.

Because Plaintiff filed its First Amended Complaint within twenty-one days of the filing of the first Rule 12(b) motion, it has the right to amend once as a matter of course. Fed. R. Civ. P. 15(a)(1)(B). Plaintiff's motion for leave to amend will therefore be denied as moot.

The First Amended Complaint supersedes the original complaint and renders it without legal effect. *See Thomas v. United Steelworkers Local 1938*, 743 F.3d 1134, 1140 (8th Cir.

2014). As a result, pending motions pertaining to the original complaint should be denied as moot, without prejudice to the filing of motions concerning the amended complaint. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002). *See also Phoenix Entm't Partners, LLC v. Ryco Enters., LLC*, 306 F. Supp. 3d 1121, 1123 n.1 (E.D. Mo. 2018) (denying motion to dismiss the initial complaint as moot and then addressing subsequent motion to dismiss based on amended complaint).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion for Leave to File First Amended Complaint (Doc. 13) is **DENIED, as moot**.

IT IS FURTHER ORDERED Defendants' Joint Motion to Dismiss Complaint for Lack of Subject-Matter Jurisdiction (Doc. 11) is **DENIED, as moot**, without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall detach and file Plaintiff's First Amended Complaint, with all exhibits, submitted as an attachment to the instant Motion.

IT IS FINALLY ORDERED that that, pursuant to Fed. R. Civ. P. 15(a)(3), Defendants shall have fourteen (14) days from the date of Plaintiff's filing of its First Amended Complaint to respond to the First Amended Complaint.

Dated this 14th day of September, 2018.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE